

- (2) Require a signed statement by such applicant setting forth the names and other information required by the collector of any and all subcontractors, suppliers, delivery agencies, and any other manner of support organizations involved in said work; and
- (3) Be required to stop work on any and all jobs where unlicensed businesses are involved. Said stop-work order shall remain in effect until such time as the required license is obtained.

(b) The city manager or his designated representative is authorized to institute action in any small claims court of competent jurisdiction to collect any sum due and owing to the city by reason of the provisions of this article, or to direct the city attorney to commence action to collect amounts due and owing to the city by reason of the provisions of this article.

(c) The violation of any provision of this article is declared to be unlawful and a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. (Ord. No. 587, § 1, 12-13-76)

Sec. 12-25. Fees established.

(a) The amount of license taxes to be paid to the city by any person engaged in or carrying on any profession, trade, calling, occupation or business hereinafter designated is hereby fixed and established as hereinafter in this section provided. Such license tax shall be paid by every person engaged in, carrying on or maintaining any such profession, trade, occupation, calling or business in the City of Belmont.

(b) For every person engaged in, carrying on or maintaining any profession, trade, occupation, calling or business, the license tax shall be as set forth in Article II of this chapter. (Ord. No. 587, § 1, 12-13-76)

ARTICLE II. SCHEDULE OF FEES

Sec. 12-26. Established.

Licenses based on the number of employees shall be levied according to the following schedule:

Each employee: Fifteen dollars (\$15.00) per employee.

ALL TAXES ARE FOR ONE YEAR

Category I. General:

All businesses not specifically set forth in the following categories: One hundred fifty dollars (\$150.00) plus employee schedule.

Auctioneer: One hundred fifty dollars (\$150.00).

Automobile parking or storage: One hundred fifty dollars (\$150.00) plus one dollar (\$1.00) per parking space.

Billiard parlor: Five hundred dollars (\$500.00).

Bowling alley: Five hundred dollars (\$500.00).

Contractors:

General building: One hundred fifty dollars (\$150.00) plus thirty dollars (\$30.00) per structure up to fifty thousand dollars (\$50,000.00) valuation; over fifty thousand dollars (\$50,000.00), one dollar (\$1.00) per one thousands dollars (\$1,000.00).

All other contracts: One hundred fifty dollars (\$150.00).

Dance per night: Fifty dollars (\$50.00).

Financing, including savings and loans—Loan companies: One hundred seventy-five dollars (\$175.00).

Gardener: One hundred fifty dollars (\$150.00) plus employee schedule.

Itinerant: One hundred fifty dollars (\$150.00).

Junk dealer: One hundred fifty dollars (\$150.00).

Lumber: One hundred fifty dollars (\$150.00) plus employee schedule.

Peddler or solicitor: One hundred fifty dollars (\$150.00) plus employee schedule.

Professions not included in Category II: One hundred fifty dollars (\$150.00) per professional plus employee schedule.

Real estate, each broker: One hundred fifty dollars (\$150.00) plus employee schedule.

Each sales person: Fifty dollars (\$50.00).

Shooting gallery: Five hundred dollars (\$500.00).

Skating rink: One hundred fifty dollars (\$150.00) plus employee schedule.

Taxicab: One hundred fifty dollars (\$150.00) plus thirty dollars (\$30.00) per vehicle.

Vehicles, delivery, not paying any other license: one hundred fifty dollars (\$150.00).

Category II. Professional, semi-professional connected business: Every person engaged in any business hereinafter in this section enumerated, or any combination thereof, shall pay an annual business license fee of one hundred fifty dollars (\$150.00) for each professional or semi-professional, plus employee schedule tax for all other employees: accountant; advertising; advertising counsel; analysts; appraiser; architect; artists not included in Category XVI; assayer; attorney-at-law; attorney, patent; auditor; bail bond brokers; business opportunity brokers; business and safety consultant; cemetery brokers; certified public accountant; chiropract; chiropractor; civil engineer; collection agency or mercantile agency; commercial article; consulting engineer; dentist; designer or decorator; discount finance companies; draftsman; drugless practitioner (provided, however, that this section shall not apply to persons who treat the sick through prayer or spiritual means); electrical engineer; electrologist; employment agency; finance companies; geologist; herb doctors (prescribers); illustrator or show card writer; insurance adjuster or claims adjuster; investment and investment trust; insurance broker; landscape gardener or landscape architect; lapidary; map makers or cartographers; mechanical engineer; mineral, oil and gas brokers; money lender or money broker; morticians, naprapath and naturopath; oculist; optometrists; osteopath; outdoor advertising; physician; physiotherapists; psychologists; stock and bond broker; surgeon; surveyor; tax counselors; taxidermist; veterinarian; x-ray laboratory.

As used in this section, "broker" shall include commission merchant.

The term "commission merchant" shall mean a person who, for compensation in the form of a commission, engages in selling activities, including the solicitation or negotiation of a sale, or the forwarding of sales orders, which lead to the sale of goods, wares or merchandise owned by some person other than the commission merchant. The business of a commission merchant shall be deemed to include also the buying and selling of goods, wares or merchandise by a person to the extent that the person (1) does not engage in the business of manufacturing, refining, fabricating, milling, treating or other processing of the goods, wares or merchandise bought and sold, and does not cause said goods, wares or merchandise to be manufactured, refined, fabricated, milled, treated or otherwise processed; (2) does not obtain or retain title to said goods, wares or merchandise except in one or more of the following situations: While such may be in transit, or for short periods of time before transportation commences or after it ceases; and (3) does not store or warehouse such goods, wares or merchandise except during one or more of the following situations: While such goods, wares or merchandise are actually in transit or for short periods of time before transportation commences or after it ceases.

Category III. Underwriters and credit reporting: Every person conducting, managing, or carrying on the business of furnishing reports on persons to insurance companies for underwriting purposes, or furnishing reports on persons to mercantile concerns as a basis for extending credit, shall be classified as semi-professional and shall pay an annual license fee based upon the schedule set forth in Category II.

Category IV. Credit and mortgages: Every person conducting, managing or carrying on the business of lending money or advancing credit or arranging for the loan of money or the advancing of credit as principal or agent, where the obligation to repay the money lent or debt incurred or to compensate for the advance of credit is

secured by a lien on real property, or some interest in real property, unless such business is exempt therefrom by law, shall be classified as semi-professional and shall pay an annual license fee based upon the schedule set forth in Category II. Savings and loans shall not be subject to this section.

Category V. Service stations: The business fee shall be seventy five dollars (\$75.00) per pump per year, plus employee schedule.

Category VI. Laundry equipment: Renting, leasing, or operating laundry equipment, whether or not coin-operated, shall pay an annual license tax of one and one-half (.015) per cent of the first ten thousand dollars (\$10,000.00) of gross receipts, and three-quarters of one (.0075) per cent of all gross receipts in excess of ten thousand dollars (\$10,000.00).

Category VII. Coin machines: Leasing, renting or maintaining any coin-operated vending machine or device, shall pay an annual license tax of fifteen (15) per cent of the first one thousand dollars (\$1,000.00) of gross receipts, and five (5) per cent of all gross receipts in excess of one thousand dollars (\$1,000.00).

Category VIII. Advertising on vehicles:

- (1) *Sound:* Operating any vehicle equipped with music or musical device, loudspeaker or other device for attracting attention:

Per year or any part thereof \$150.00

- (2) *Signs:* Operating any vehicle for advertising purposes and to which vehicle there are attached signs, placards, billboards or other advertising matter:

Per year or any part thereof \$150.00

Each license for advertising on vehicles shall be subject to the following regulations:

- (a) The only sound permitted is music or human speech.
- (b) Sound advertising is permitted only between 9:00 a.m. and sunset.
- (c) The vehicle with the sound device shall not proceed at a speed of less than ten (10) miles per hour, nor shall sound be issued while the vehicle is not in motion.

- (d) No sound shall be issued within one hundred (100) yards of a hospital, school, church, funeral parlor and/or funeral home.

- (e) Human speech amplified by the sound device shall not be lewd, indecent or slanderous, nor shall it be specifically addressed to individual pedestrians or motorists as distinguished from the public in general.

- (f) The volume of sound shall be controlled so that it is not audible for a distance in excess of one hundred (100) yards.

- (g) The license fee on display as advertising shall not apply to signs painted, rather than affixed, on delivery trucks or other vehicles used by the firm making the display for purposes other than advertising in excess of twelve (12) hours per week.

- (h) The chief of police of the city shall monitor the operation of vehicles with sound devices and shall report to the city manager violations of the above regulations. If the city manager reasonably finds that a licensee has violated the regulations, he shall refuse the issuance of a new license to the licensee and he may revoke the license already granted.

- (3) *Searchlight:* Operating any vehicle equipped with a searchlight for attracting attention:

Per year or any part thereof \$150.00

Category IX. Christmas trees, greens or pumpkins:

Sale of Christmas trees, holly, berries, pumpkins, seventy-five dollars (\$75.00) per season, except where business is conducted in connection with another regularly established place of business for which a license has been issued, or is conducted by and solely for the benefit of a charitable or nonprofit organization.

Category X. Advertising:

Advertising by use of signs: Every person conducting, managing or carrying on the busi-

ness of bill posting, advertising by means of electric signs, or sign advertising by means of billboards, or advertising signboards shall pay an annual business tax of sixty cents (\$0.60) per square foot per sign and an additional sum of forty-five cents (\$0.45) per square foot for illuminated signs, with a minimum fee of one hundred fifty dollars (\$150.00) per year per company. The business tax period shall be for one (1) year from month of issue. Nothing herein contained shall be deemed or construed as applying to the owners of real estate or their agents in advertising their property for sale or lease by means of billboards or advertising signboards situated upon the property advertised for sale or lease by such billboards or advertising signboards, not to the use of business signs by any person on the premises or building occupied by such person and which sign advertises the merchandise or business of such person.

Advertising by distribution of samples handbills, etc.: Every person conducting, managing or carrying on the business of advertising by distributing samples, handbills, or any similar method shall pay an annual tax of one hundred fifty dollars (\$150.00) plus the peremployee schedule.

Advertising by use of vehicle: Every person conducting, managing or carrying on the business of advertising by means of any vehicle containing or carrying advertising signs, and which is used for advertising upon the public streets or public ground in the city, shall pay an annual license tax of one hundred fifty dollars (\$150.00), which shall include the first vehicle, plus an additional business tax of thirty dollars (\$30.00) for each additional vehicle. The tax period shall be one (1) year and will expire a year from month of issue.

Category XI. Rental of residential property: Every person, corporation, partnership or other legal entity engaged in the business of renting or leasing apartments containing four (4) or more dwelling units shall pay an annual license fee of fifteen dollars (\$15.00) per dwelling unit per

year, but in no case shall the minimum license fee be less than one hundred fifty dollars (\$150.00) per year.

"Apartment" as used herein, is defined as a single room, suite or set of rooms, occupied as a dwelling and not located in a single-family residence, a duplex or a triplex.

Persons subject to the payment of a transient occupancy tax for the rental of dwelling units are not subject to the tax imposed by this category.

Category XII. Massage establishment: The business license fee shall be two thousand dollars (\$2,000.00).

Category XIII. Escort service business: The annual business license fee shall be two thousand dollars (\$2,000.00).

Category XV. Hotels and motels: The annual business license fee shall be one hundred fifty dollars (\$150.00).

Category XVI. Artist operating studios: The annual business license fee for artists studios where business is not conducted with the public shall be fifty dollars (\$50.00).

(Ord. No. 587, § 1, 12-13-76; Ord. No. 599, § 1, 4-11-77; Ord. No. 699, § 2, 4-14-82; Ord. No. 821, § 7, 10-10-89; Ord. No. 825, § 1, 5-8-90)

Sec. 12-27. Conflicts.

If any clause contained in the above section 12-26 conflicts with the constitution, state laws, or sections of the Belmont City Code, the remaining sections not in conflict shall remain in full force and effect.

(Ord. No. 825, § 8, 5-8-90)

Sec. 12-28. Annual adjustment.

The above referenced schedule of fees, including but not limited to the per employee fees, minimum tax, and license fees shall be adjusted annually pursuant to the Bay Area Consumer Price Index (BACPI) over the previous calendar year. The first such adjustment shall occur on July 1, 1991, based upon the 1990 calendar year BACPI.

(Ord. No. 825, § 9, 5-8-90)

Sec. 12-29. Effective date.

This article is to take effect July 1, 1990.
Renewals of existing licenses and all new licenses
shall comply with the above section 12-26 at its
effective date.
(Ord. No. 825, § 10, 5-8-90)